

Notice No.: 91-027

Date: August 27, 1991

Applies to: TRS employers

Subject: Guidelines for reporting substitute teachers

Substitute teachers may establish membership and receive service credit by applying directly to the Department of Retirement Systems (DRS) for service not reported on the monthly transmittal report.

Each employer of a substitute teacher is required to provide the substitute with a quarterly report of compensation and service. A substitute may use these reports to support a request to DRS to establish membership or service credit. The requirements for the quarterly report were first detailed in DRS Notice 90-011 and are attached as an addendum to this Notice.

During the 1990–91 school year, when quarterly reporting to substitutes first became effective, employers had questions concerning the appropriate way to report substitutes in certain cases. The information in this Notice addresses these common questions and explains changes for the 1991–92 school year.

We appreciate employers bringing to our attention these areas of concern and giving us the opportunity to respond to specific questions.

#### Questions?

Frequently asked questions about reporting substitutes and DRS's answers begin on page 4 of this Notice. If you have additional questions related to substitute teachers, TRS eligibility, or quarterly reporting to substitutes, you may contact the DRS Membership Section at (206) 753-3113, SCAN 234-3113. Questions about transmittal reporting may be directed to the DRS Employer Relations Unit at (206) 753-8696, SCAN 234-8696.

George Northcroft  
Director

#### 1991 Changes to the Definition of Substitute Teacher

The definition of *substitute* for members of the Teachers' Retirement System (TRS) has been modified effective September 1, 1991, and could affect your quarterly reporting to substitutes. These changes were included in SHB 1268 of 1991. The principal changes are:

- Any TRS employer may employ a *substitute*. Previously, only school districts employed *substitute* teachers, as defined by TRS law.
- A teacher who works in an ineligible position for one employer and an eligible position for a different employer is considered a *substitute* for the work performed in the ineligible position. The employer should provide the employee in the ineligible position with a quarterly report of service and compensation.

The definition of *substitute* that will be used by teachers to apply for membership and receive service credit for the 1991–92 school year is found in RCW 41.32.010(39), Chapter 343, Laws of 1991. A *substitute* is:

- (a) A teacher who is hired by an employer to work as a temporary teacher, except teachers who are contract employees of an employer and are guaranteed a minimum number of hours; or
- (b) A teacher who either (1) works in ineligible positions for more than one employer or (2) works in an ineligible position or positions together with an eligible position.

#### Teachers Employed in More Than One Type of Position

Sometimes a single employer employs an individual in more than one type of position. When this occurs, you need to determine whether to report on the monthly transmittal report to DRS or to provide a quarterly report to the substitute teacher.

#### Plan I

The following information applies whether all employment is for a **single employer** or for **multiple employers**.

Any active Plan I member who is contracted for 20 or more days during a school year must be reported on the transmittal report. (An active Plan I member is one who has not withdrawn his or her contributions from the retirement system.)

Once a Plan I teacher is reported on the transmittal report, all work performed for you during that school year should be reported on the transmittal report.

Any combination of employment involving substituting and being contracted for fewer than 20 days in a school year would mean that you would report the teacher's work on a quarterly report to the teacher. Do not report such a teacher on the transmittal report.

#### Plan II Employees Working in More Than One Position For You

The following guidelines apply when an employer employs a teacher in more than one type of position.

*Eligible position and ineligible position:*

Report the employee on the transmittal report. Any teacher you employ in an eligible TRS position must have all of his/her work for you reported on the transmittal report.

*Eligible position and substituting:*

Report the employee on the transmittal report. Any teacher you employ in an eligible TRS position must have all of his/her work for you reported on the transmittal report.

*Two or more ineligible positions:*

In determining eligibility, DRS considers all of an employee's work for you to be a single position. Therefore, consider all hours of contracted employment to determine eligibility in TRS. If the combined hours meet the definition of an eligible position, report the employee on the transmittal report.

If the combined hours do not meet the definition of eligible position, the employee is considered to be in an ineligible position. When an employee is employed by only one TRS employer in an ineligible position, the quarterly report is optional.

*Ineligible position and substituting:*

Provide the employee with a quarterly report.

Any teacher who you do not report on the monthly transmittal report should be provided a quarterly report, except for an employee in an ineligible position who you know does not work for any other TRS employer. In some cases, teachers will qualify for service credit based on employment for another employer or other employers, and those teachers will need the quarterly reports that you provide.

#### Plan II Teachers Employed by More Than One Employer

Determine how to report Plan II teachers based on the work the teacher does for you, using the guidelines above.

If the teacher also works for other employers, you do not need to consider that employment when you determine whether to report on the transmittal report or to provide a quarterly substitute report.

Frequent Questions About Reporting Substitutes

*Question #1:* Are school districts the only employers required to provide quarterly reports to substitute teachers?

*Answer:* No. Any employer who employs TRS members may employ a substitute, if the conditions of employment meet the definition in RCW 41.32.010(39). All TRS employers are required to provide quarterly reports when they employ a TRS member who meets the definition of *substitute*.

*Question #2:* We have hired an individual as a substitute teacher for each day of the school year (180 days). The employee has substituted for full-time teachers in their positions throughout the year. Is this person reported on the transmittal report?

*Answer:* If the individual does not have a contract to teach, then he or she is not reported on the transmittal report. However, you should provide the employee with a quarterly report of compensation and service.

If you have given this individual a contract to serve as a substitute for your school district, college, or university throughout the entire school year, and if this contract guarantees the individual a certain number of days or hours of employment, then this person is not a *substitute*. You would have to apply the membership rules for the appropriate plan to determine whether to report the teacher on the transmittal report. The following rules apply:

PLAN I: If the substitute is contracted for 20 or more days and is an active member, report him/her on the transmittal.

PLAN II: If the teacher has a contract to substitute in an eligible position, you must report him/her on the transmittal.

*Question #3:* We have hired a teacher in an eligible position, and this person also works in an ineligible position for us. A second teacher who occupies an eligible position also works as a substitute. How do we report these teachers?

*Answer:* Report both teachers on the transmittal report. Any teacher you employ in an eligible position must have all of his or her work for you reported on the transmittal report, including the ineligible or substitute time.

*Question #4:* We have a teacher under contract in two separate ineligible positions. If the two positions were combined, the total hours worked would make this an eligible position. Do we report this employee?

*Answer:* Yes, this employee should be reported on the transmittal report. When determining position eligibility for TRS, combine all hours of contracted employment, regardless of the number of positions.

For example, an employee who is hired to work 3 hours a day as a kindergarten teacher and 3 hours a day as a playground supervisor is considered, for TRS Plan II position eligibility, to occupy one position for 6 hours a day. This position would be eligible and the individual should be reported on the TRS transmittal.

*Question #5:* We have hired a teacher into an ineligible position. Do we need to be aware of his employment status with other employers?

*Answer:* No, make your reporting determination based on the employment the employee has with you only. Since the teacher may also work for another TRS employer, you should provide the teacher with a quarterly report.

*Question #6:* We have hired a teacher in one ineligible position, and this person also works as a substitute for us. Do we report this teacher on the monthly transmittal report?

*Answer:* No. Consider this employee a substitute and report all hours on the quarterly report.